

**In the  
Indiana Supreme Court**



IN THE MATTER OF THE )  
 )  
APPROVAL OF LOCAL RULES )  
 )  
FOR FLOYD COUNTY )

Case No. 22S00-0910-MS- 445

ORDER APPROVING AMENDED LOCAL RULE

The Judges of the Floyd Circuit and Superior Courts request the approval of an amended local rule for caseload allocation in accordance with Ind. Administrative Rule 1(E). Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Floyd Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR22-TR00-117 complies with the requirements of Ind. Administrative Rule 1(E), and, accordingly, should be approved and posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website at least thirty (30) days prior to taking effect on January 1, 2010.

IT IS, THEREFORE, ORDERED by this Court that amended Local Rule LR22-TR00-117 for Floyd County Courts, set forth as an attachment to this Order, is approved effective January 1, 2010. The Clerk of this Court is directed to forward a copy of this Order to the Hon. J. Terrence Cody, Floyd Circuit Court, 311 West First Street, #417, New Albany, IN 47150-5856; the Hon. Maria Granger, Floyd Superior Court, 311 West First Street, New Albany, IN 47150; the Hon. Glenn G. Hancock, Floyd Superior Court 2, 311 West First Street, #425, New Albany, IN 47150-5856; the Hon. Susan Lynn Orth, Floyd Superior Court 1, 311 West First Street, #200, New Albany, IN 47150-5856; and to the Clerk of the Floyd Circuit Court. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Floyd Circuit Court is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website at least thirty (30) days prior to January 1, 2010.

DONE at Indianapolis, Indiana, this 15<sup>th</sup> day of October, 2009.

RT Shepard

Randall T. Shepard  
Chief Justice of Indiana

**ASSIGNMENT OF CASES TO EQUALIZE WORKLOAD BETWEEN COURTS**

**A. Assignment.** The judges of the Circuit and Superior Courts shall meet on or before October 15 of each year to review the Caseload Allocation Plan. Different numbers of cases may be assigned to each court per the caseload statistics received each year.

**B. Transfer.** Transfer between the Floyd Circuit Court and the Floyd Superior Courts shall be accomplished pursuant to IC 33-29-1-9 & 10, which allows the judges to transfer cases between courts with mutual consent and to sit on any case in any court with mutual consent.

**C. Criminal Cases.**

(1) All Murder cases shall be divided equally between the Circuit Court, Superior Court #1 and Superior Court #3. All Felony and Domestic Battery cases (Misdemeanor and Felony) shall be filed as follows (except as otherwise designated below):

(a) Class A Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(b) Class B Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(c) Class C Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(d) Class D Felonies: 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(e) Domestic Battery Cases (Misdemeanor and Felony): 25% shall be filed in the Circuit Court, 50% shall be filed in Superior Court #1, and 25% shall be filed in the Superior Court #3.

(2) All Traffic Infractions and Ordinance Violations shall be filed in the Superior Court #2.

(3) All Motor Vehicle Code, Traffic Misdemeanor and Class D Felony Traffic cases shall be filed in Superior Court #2.

(4) All other Misdemeanor offenses, excepting Domestic Violence cases shall be filed in the Superior Court #2 unless the Defendant has a pending case, or is presently on probation, or has a case under advisement, or a case which has been diverted, in the Circuit, Superior #1 or Superior #3 Court. In the event of such occurrence, the new charge shall be filed in the respective Court where the Defendant is on probation or the other case is pending, under advisement or diverted.

**D. Civil Cases.** Except as provided by statute, Civil Tort, Civil Plenary, Mortgage Foreclosure, and Miscellaneous cases may be filed on an open basis in the Circuit Court, Superior Court #1, Superior Court #2, or Superior Court #3 and Civil Collection cases over \$2,500 shall be filed in Superior Court #3. Civil Collection cases under \$2,500 shall be filed in the Superior Court #2.

**E. Protection Orders.** Protection Order cases shall be filed on a rotating basis as follows: First Quarter (January through March): Superior Court #1; Second Quarter (April through June): Superior Court #2; Third Quarter (July through September): Superior #3; Fourth Quarter (October through December): Circuit Court.

**F. Domestic Relations Cases.** All Pro Se Divorces shall be filed in the Superior Court #3. All non-pro se divorces may be filed on an open basis in the Circuit Court, Superior Court #1 or Superior Court #3.

**G. Small Claims.** All Small Claims cases shall be filed in Superior Court #2

**H. Mental Health.** Mental Health cases may be filed in any of the Floyd County Courts.

**I. Juvenile.** Circuit Court shall have exclusive jurisdiction over all juvenile matters subject to LR22-TR00-17 (B). Pursuant to I.C. 33-29-1-10(b), and with the consent of the Circuit Court Judge, the Judge of the Superior Court #3 may sit as Judge of the Circuit Court on JP, JM, JD, and JS cases. Pursuant to I.C. 33-29-1-9(a), and with the Consent of the Judge of the Superior Court #3, the Judge of the Circuit Court may transfer JP, JM, JD, and JS cases to Superior Court #3.